

**N.D.A.G. Letter to Dalsted (April 21, 1992)**

April 21, 1992

Mr. Kenneth L. Dalsted  
City Attorney  
P.O. Box 1727  
Jamestown, ND 58402-1727

Dear Mr. Dalsted:

Thank you for your March 2, 1992, letter requesting an opinion regarding the authority of the board of directors of a public library established pursuant to N.D.C.C. ch. 40-38 to borrow money.

A library board is a governmental unit that has only those powers specifically granted to it by the Legislature or necessarily implied therefrom. Thus, a library board can incur debt only in the manner authorized by law.

The powers and duties of library boards are outlined in N.D.C.C. ch. 40-38. The library board has the authority to "control . . . the expenditures of all moneys collected for or contributed to the library fund." N.D.C.C. § 40-38-04(3). It has the authority to accept donations. N.D.C.C. § 40-38-08. Also, upon approval of the city governing body, a library board may make alterations to a library building using moneys in the library building fund. N.D.C.C. § 40-38-05. Moneys placed into the library building fund may come from appropriations of the city governing body or from federal, state, county, city, or private sources. N.D.C.C. § 40-38-05.

It cannot be necessarily implied from the authority outlined in the foregoing statutes that library boards have the authority to borrow money. Nor is there a statute that specifically authorizes library boards to borrow money. Therefore, it is my opinion that the board of directors of a public library established pursuant to N.D.C.C. ch. 40-38 does not have the authority to borrow money.

I trust I have responded to your question.

Sincerely,

Nicholas J. Spaeth

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